

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**LINDA BROWN,**

**Plaintiff,**

**VS.**

**CITY OF OMAHA, NEBRASKA,**

**Defendant.**

**8:03CV485**

## ORDER

Now pending before the court are the following motions:

- 29 Defendant's Motion for Summary Judgment  
32 Plaintiff's Motion to Resist Defendant's Motion for Summary Judgment  
46 Plaintiff's Amended Motion to Resist Defendant's Motion for Summary Judgment

While the Motion for Summary Judgment addresses all of plaintiff's causes of action, the motion depends on a factual analysis only as to plaintiff's claims under Title VII and 42 U.S.C. § 1983.<sup>1</sup> In Filings 32 and 46, plaintiff seeks permission to conduct discovery before responding to the Motion for Summary Judgment. This request will be granted as to the Title VII and § 1983 claims.

Since the deposition deadline has not yet been set, and it is unclear as to how much discovery the plaintiff will need to conduct before responding to the Motion for Summary Judgment, the matter of a response deadline will be determined at the time of the parties' Rule 16 Planning Conference, now set for May 26, 2005 at 11:00 a.m.

**IT IS ORDERED:**

1. Plaintiff's Motions for extension of time (Filings 32 & 46) are granted as to plaintiff's claims under Title VII and 42 U.S.C. § 1983.
2. A response deadline will be determined at the time of the parties' Rule 16 Planning Conference, now set for May 26, 2005 at 11:00 a.m.

**DATED April 29, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**

<sup>1</sup>Defendant filed a separate motion to dismiss plaintiff's claims under 42 U.S.C. § 1981 pursuant to Fed. R. Civ. P. 12(b)(6). See Filing 38. This argument was also raised in the Motion for Summary Judgment, but is not based on a factual analysis. Plaintiff has responded to the pending Motion to Dismiss.